



COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

John Naimo
Auditor-Controller
Laurie Milhiser
Chief Executive Office
Patrick A. Wu
Office of the County Counsel

NOTICE OF MEETING

The County of Los Angeles Claims Board will hold its regular meeting on **Monday, March 5, 2012, at 9:30 a.m.**, in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

AGENDA

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board.
3. Closed Session - Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Government Code Section 54956.9).
 - a. Teddy Lenior, Sr., et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 09-02616

This lawsuit concerns allegations of false arrest and an illegal search by Sheriff's Deputies; settlement is recommended in the amount of \$200,000.

[See Supporting Documents](#)

- b. Peter Ngo, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. KC 060 406

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Sheriff's Department; settlement is recommended in the amount of \$135,000.

[See Supporting Documents](#)

- c. California Capital Insurance Company v. County of Los Angeles
Los Angeles Superior Court Case No. PC 050 107

This lawsuit seeks compensation for damages to its insured's commercial property allegedly caused by a sewer main line blockage and back up; settlement is recommended in the amount of \$50,020.29.

[See Supporting Documents](#)

- d. Alondra Cole, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 10-05701

This lawsuit alleges that the Department of Children and Family Services violated the constitutional rights of plaintiffs by wrongfully detaining two minors without a warrant or probable cause; settlement is recommended in the amount of \$500,000.

[See Supporting Document](#)

- e. Juana Montoya and Abel Montoya v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. TC 023 770

This medical negligence lawsuit by a patient and her husband arises from treatment received at Harbor-UCLA Medical Center; settlement is recommended in the amount of \$3,500,000, plus assumption of the Medi-Cal lien in the estimated amount of \$15,700.54 and waiver of the County's hospital bill in the estimated amount of \$64,532.

[See Supporting Documents](#)

- f. Brandon Gill v. County of Los Angeles
Los Angeles Superior Court Case No. TC 024 028

This medical negligence lawsuit arises from treatment received by a patient while hospitalized at Harbor-UCLA Medical Center; settlement is recommended in the amount of \$650,000.

[See Supporting Documents](#)

- g. Robert Vasquez, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. VC 056 933

This medical negligence lawsuit arises from injuries sustained by a patient while hospitalized at Rancho Los Amigos National Rehabilitation Center; settlement is recommended in the amount of \$2,300,000, plus the assumption of a Medi-Cal lien in the estimated amount of \$377,000 and waiver of the County hospital bill in the estimated amount of \$634,026.

[See Supporting Documents](#)

4. Report of actions taken in Closed Session.
5. Approval of the minutes of the February 6, 2012, regular meeting of the Claims Board.

[See Supporting Document](#)

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.
7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Teddy Lenior, Sr., et al. v. Detective Arias, et al.
CASE NUMBER	CV09-02616
COURT	United States District Court
DATE FILED	Complaint April 15, 2009 Claim April 4, 2008
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ \$200,000
ATTORNEY FOR PLAINTIFF	Charles F. Saacke McNulty & Saacke
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>Plaintiffs Teddy Lenior, Sr., Rabihah Lenior, Teddy Lenior, Jr. and Steven Lenior allege that Sheriff's Deputies searched their home without probable cause and that Teddy Lenior Jr. was arrested without probable cause.</p> <p>The Deputies contend that probable cause existed for both the search and arrest.</p> <p>However, due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$200,000 is recommended.</p>

PAID ATTORNEY FEES, TO DATE	\$	167,622
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PAID COSTS, TO DATE	\$	29,445
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Case Name: Teddy Lenior, Sr., et al. v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Friday, December 7, 2007; approximately 4:00 a.m.
Briefly provide a description of the incident/event:	<p><u>Teddy Lenior, Sr., et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2011-024</p> <p>On Friday, December 7, 2007, at approximately 4:00 a.m., deputies assigned to the Los Angeles County Sheriff's Department's Operation Safe Streets (OSS) Bureau coordinated the execution of search and arrest warrants at 16 locations throughout Los Angeles County in furtherance of investigations of criminal activity by members and associates of several violent street gangs.</p> <p>During the operation, sheriff's deputies executed search and arrest warrants at the plaintiff's residence alleging a violation of California Penal Code section 245(a)(2), Assault with Deadly Weapon or Force Likely to Produce Great Bodily Injury. Investigators were looking for firearms and evidence of weapons violations, stolen property, and gang membership.</p> <p>Following the execution of the warrants, the plaintiff's son, Teddy Lenior, Jr., was arrested and taken into custody. No items with evidentiary value were recovered from the residence.</p> <p>The original crime victim was unable to positively identify Teddy Lenior, Jr. as the shooting suspect in this case. Consequently, representatives from the Los Angeles County District Attorney's Office declined to file criminal charges.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The plaintiff filed a lawsuit against the County of Los Angeles alleging state and federal civil rights violations, false arrest and imprisonment, malicious prosecution, and intentional infliction of emotional distress. He also claimed that the affidavit in support of the arrest and search warrants failed to establish sufficient probable cause.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of this incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.


The Los Angeles County Sheriff's Department's administrative review revealed no employee misconduct. Consequently, no administrative action was taken, nor are any other corrective action measures recommended or contemplated.

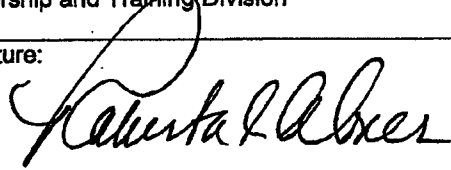
3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance).

- ☐ Potentially has Countywide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department(s) implications.

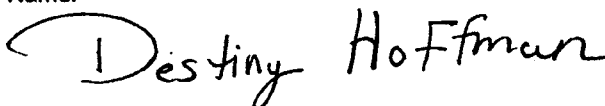
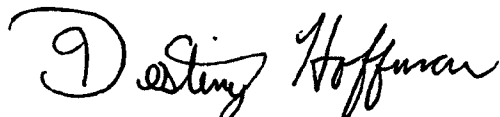
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Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 1/9/12

Name: (Department Head) Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 01-13-12

Chief Executive Office Risk Management Branch

Name: 	
Signature: 	Date: 2/2/2012

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Peter Ngo, et al. vs. County of Los Angeles, et al.
CASE NUMBER	KC060406
COURT	Los Angeles Superior Court – East District
DATE FILED	July 1, 2011
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 135,000
ATTORNEY FOR PLAINTIFF	Melissa M. Thom, Esq. Younger & Associates
COUNTY COUNSEL ATTORNEY	Robert B. Reagan Principal Deputy County Counsel
NATURE OF CASE	<p>This lawsuit was filed by Peter Ngo and Tiffany Ngo and their minor children, et al., seeking compensation for damages for personal injuries, which resulted from a multi-vehicle collision including a Sheriff's patrol vehicle.</p> <p>Due to the risks and uncertainties of litigation, a contribution of \$135,000 toward a full and final settlement of the case is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 15,066.50
PAID COSTS, TO DATE	\$ 0

Case Name: Peter Ngo, et al. v. County of Los Angeles



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Saturday, September 12, 2009; approximately 11:47 a.m.
Briefly provide a description of the incident/event:	<p><u>Peter Ngo, et al. v. County of Los Angeles</u> Summary Corrective Action Plan No. 2011-030</p> <p>On Saturday, September 12, 2009, at approximately 11:47 a.m., a Los Angeles County deputy sheriff was driving a standard, black and white County-owned patrol vehicle south on White Avenue, north of Berkeley Avenue, Pomona, when he lost control of the vehicle, entered a left turn lane, and struck several stationary, occupied vehicles.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

<p>The plaintiff claims damages for injuries he sustained in the traffic collision.</p> <p>This incident was thoroughly investigated by representatives from the Pomona Police Department and the Los Angeles County Sheriff's Department. Their investigations concluded that the deputy sheriff caused the collision by driving at an unsafe speed for roadway conditions, a violation of California Vehicle Code section 22350.</p>

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)


<p>The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of this incident.</p> <p>The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.</p> <p>The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. Appropriate administrative action was taken.</p>

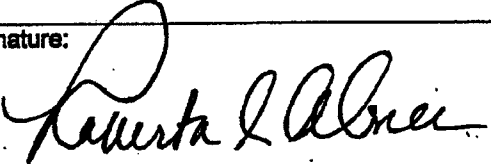
County of Los Angeles
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance).


- ☐ Potentially has Countywide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department(s) implications.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)	
Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 1/9/12

Name: (Department Head)	
Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 01/12/12

Chief Executive Office Risk Management Branch

Name:	
Destiny Hoffman	
Signature: 	Date: 1/31/2012

[Risk Mgt. Inspector General/CAP-SCAP-REGAP/Summary Corrective Action Plan Form 2-01-10 (Final).docx

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	California Capital Insurance Company v. County of Los Angeles
CASE NUMBER	PC050107
COURT	Los Angeles Superior Court
DATE FILED	February 1, 2011
COUNTY DEPARTMENT	Public Works – Sewer Maintenance District
PROPOSED SETTLEMENT AMOUNT	\$ 50,020.59
ATTORNEY FOR PLAINTIFF	Susan H. Green, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	This lawsuit involves property damage arising from a sewer backup in a retail shopping center located in Santa Clarita. A County sewer crew investigated the complaint and found that wastewater from a sewer mainline entered the building through a drains in the restrooms, resulting in flooding. The wastewater damaged the building's walls and flooring. The County crew rodded the mainline and relieved a stoppage created by overgrown roots. The sewer mainline is maintained by the County as part of the Consolidated Sewer Maintenance District.

Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement.

PAID ATTORNEY FEES, TO DATE	\$	0
PAID COSTS, TO DATE	\$	105



Summary Corrective Action Plan

County of Los Angeles Department of Public Works



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Claim:	Capitol Insurance Group
Date of incident/event:	October 15, 2009
Briefly provide a description of the incident/event:	<p>This is a sewage backup incident that occurred in a shopping mall located at 26364 Sierra Highway, in the City of Santa Clarita. The waste water overflowed into five units of the property, causing damage to the floors, walls, and business/personal property and/or inventory.</p> <p>Sewer Maintenance Division (SMD) responded and a SMD crew confirmed the existence of a main line blockage created by tree roots between Manhole Nos. 134 and 135. The SMD crew rodded the main sewer line and broke down a root stoppage.</p>

1. Briefly describe the root cause of the claim/lawsuit:

The cause of the sewer backup was due to a root stoppage in the County-maintained main sewer line. On October 20 and November 25, 2009, the main sewer line was inspected with a closed-circuit television to assess the condition. The SMD crew found the water in the main sewer lines down and flowing normally. Roots were present in some joints and lateral connections. The root mass that caused this flood out appears to be from a sewer lateral connection located 86 feet downstream of Manhole No. 135 at 26364 Sierra Highway, Santa Clarita.

County of Los Angeles Department of Public Works
Summary Corrective Action Plan



2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

A copy of Section 710 of the Los Angeles County Plumbing Code was delivered to 26364 Sierra Highway, Santa Clarita, informing the property owner(s) that a backflow valve should be installed at the residence and maintained in a safe and sanitary operating condition.

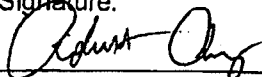
The segment of the main sewer line, between Manhole Nos. 134 and 135 was placed on a quarterly rodding schedule to prevent future blockages. The main sewer line will remain on this schedule until it is no longer necessary as determined by maintenance personnel and will continue to be on a semi-annual inspection program. The main sewer line is within an easement on the border between two private properties. The easement and adjoining properties contain numerous mature trees. It is most likely a tree on the private property was the cause of the backup, but it is not possible to identify the exact tree for removal.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has Countywide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator)  Steven G. Steinhoff	Date: 8/03/10
Signature: (Director)  Gail Farber	Date: 8-10-10

Chief Executive Office Risk Management Branch

Name: Robert Chavez	Date: 8/11/10
Signature: 	Date:

ME:psr
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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Alondra Cole, et al. v. County of Los Angeles et al.
CASE NUMBER	CV 10-05701 GHK
COURT	United States District Court
DATE FILED	08/03/2010
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 500,000
ATTORNEY FOR PLAINTIFF	Donnie R. Cox Dennis B. Atchley Law Offices of Donnie R. Cox Paul W. Leehey Law Office of Paul W. Leehey
COUNTY COUNSEL ATTORNEY	Lauren M. Black Principal Deputy County Counsel David J. Weiss Danielle Sussan Law Offices of David J. Weiss
NATURE OF CASE	Plaintiffs allege that the County and social workers from the Department of Children and Family Services violated their civil rights during the course of an investigation into suspected child abuse.
PAID ATTORNEY FEES, TO DATE	\$ 98,912
PAID COSTS, TO DATE	\$ 1,110

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Juana Montoya, et al. v. County of Los Angeles, et al.
CASE NUMBER	TC 023770
COURT	Los Angeles Superior Court - South Central
DATE FILED	November 17, 2009
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$3,500,000 plus assumption of the Medi-Cal lien in the estimated amount of \$15,700.54 and waiver of the County hospital bill in the estimated amount of \$64,532.
ATTORNEY FOR PLAINTIFF	Browne Greene, Esq. Greene Broillet & Wheller, LLP Daniel Balaban, Esq. Balaban & Spielberger, LLP
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	On November 17, 2008, Juana Montoya, a 35-year-old female, presented to Harbor-UCLA Medical Center ("HUMC") for labor and delivery. She delivered a healthy baby and was discharged home. On the next day, Ms. Montoya was brought back to HUMC. She was seen at the emergency department and was found to have bleeding in her brain.

Ms. Montoya filed a lawsuit against the County of Los Angeles contending that the staff at HUMC failed to provide adequate medical care to Ms. Montoya while she was a patient at HUMC.

PAID ATTORNEY FEES, TO DATE

\$176,088

PAID COSTS, TO DATE

\$139,305

Case Name: Montoya, Juana



Summary Corrective Action Plan

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Date of incident/event:	November 18, 2008
Briefly provide a description of the incident/event:	On November 17, 2008, Juana Montoya, a 35-year-old female, presented to Harbor-UCLA Medical Center ("HUMC") for labor and delivery. She delivered a healthy baby and was discharged home. On the next day, Ms. Montoya was brought back to HUMC. She was seen in the emergency department and was found to have bleeding in her brain. Ms. Montoya filed a lawsuit against the County of Los Angeles contending that the staff at HUMC failed to provide adequate medical care to Ms. Montoya while she was a patient at HUMC.

1. Briefly describe the root cause(s) of the claim/lawsuit:

Stroke in the postpartum period resulting in brain damage.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

- A literature review was conducted to determine the incidence of Emergency Department (ED) overcrowding nation-wide. According to recent published reports from the Centers for Disease Control and Prevention (CDC), the Institute of Medicine (IOM), and additional reputable sources, ED overcrowding is a 'national epidemic' resulting in excessive wait times and delays in care.
- A system-wide survey of DHS EDs illustrated numerous steps taken to reduce the impact of ED overcrowding and improve patient flow throughout the hospital including, but not limited to: hiring additional staff for ED and inpatient care areas; manipulating staff schedules to provide optimal coverage during busiest times; opening additional ED and inpatient beds; assigning designated staff to oversee ED flow; and expanding access to same day/next day clinic appointments for non-urgent ED patients.
- A system-wide survey of DHS EDs determined that there is a process in place to triage patients arriving to EDs by ambulance and document this assessment in the medical record.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- X Does not appear to have County-wide or other department implications.

Name: (Risk Management Coordinator) Kimberly McKenzie	
Signature: Kimberly McKenzie	Date: 2/1/12

Name: (Department Head) Mitchell Katz, MD	
Signature: Mitchell Katz	Date: 2/5/12

Chief Executive Office Risk Management

Name: Destiny Hoffman	
Signature: Destiny Hoffman	Date: 2/1/2012

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Brandon Gill v. County of Los Angeles, et al.
CASE NUMBER	TC 024028
COURT	Los Angeles Superior Court - South Central
DATE FILED	March 3, 2010
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$650,000
ATTORNEY FOR PLAINTIFF	Michael A.K. Dan, Esq. Michael A.K. Dan, A Professional Corporation
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	<p>On July 9, 2009, Brandon Gill, a 27-year-old male, had a head injury while at work. He was transferred to Harbor-UCLA Medical Center ("HUMC").</p> <p>The HUMC staff monitored the patient's neurological condition and controlled his intracranial pressure with medications. On July 12, 2009, the HUMC staff performed a craniotomy (a surgical procedure) to lower the patient's intracranial pressure. Despite all the necessary care, the patient suffered some neurological injuries.</p>

Mr. Gill filed a civil action against the County of Los Angeles contending that the HUMC staff were negligent in their care. Specifically, Mr. Gill contended that the craniotomy should have been performed earlier.

PAID ATTORNEY FEES, TO DATE

\$98,580

PAID COSTS, TO DATE

\$30,220.83

Case Name: Gill, Brandon #9807



Summary Corrective Action Plan

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Date of Incident/event:	July 9, 2009
Briefly provide a description of the incident/event:	<p>On July 9, 2009, Brandon Gill, a 29 year old male, had a head injury while at work. He was transferred to Harbor-UCLA Medical Center ("HUMC").</p> <p>The HUMC staff monitored the patient's neurological condition and controlled his Intracranial pressure with medications. On July 12, 2009, the HUMC staff performed a craniotomy (a surgical procedure) to lower the patient's Intracranial pressure. Despite all of the necessary care, the patient suffered some neurological injuries.</p> <p>Mr. Gill filed a civil action against the County of Los Angeles contending that the HUMC were negligent in their care. Specifically, Mr. Gill contended that the craniotomy should have been performed earlier.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

Neurological damage resulting from blunt force head trauma.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

All appropriate personnel corrective actions have been completed.

County of Los Angeles
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has Countywide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- X Does not appear to have Countywide or other department(s) implications.

Name: (Risk Management Coordinator) <i>Kimberly McKenzie</i>	
Signature: <i>Kim McKenzie</i>	Date: <i>2/13/12</i>

Name: (Department Head) <i>Hal F. Yee, M.D.</i>	
Signature: <i>Hal F. Yee</i>	Date: <i>2-23-12</i>

Chief Executive Office Risk Management Branch

Name: <i>LEO COSTANTINO</i>	
Signature: <i>LEO COSTANTINO</i>	Date: <i>2/22/2012</i>

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Robert Vasquez, et al. v. County of Los Angeles
CASE NUMBER	VC 056933
COURT	Los Angeles Superior Court South East District
DATE FILED	August 9, 2010
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$2,300,000, plus the assumption of the Medi-Cal lien in the estimated amount of \$377,000 and waiver of the hospital bill in the estimated amount of \$634,026.
ATTORNEY FOR PLAINTIFF	Michael F. Moran, Esq. Law Offices of Michael Moran Steven Ibarra, Esq. Law Offices of Steven Ibarra
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	Robert Vasquez was admitted to Rancho Los Amigos National Rehabilitation Center ("Rancho") for rehabilitation. The patient was then allowed to leave the facility to spend the holidays with his family. Prior to the temporary discharge from Rancho, Mr. Vasquez fell while at the restroom. Rancho staff evaluated the patient, and since the patient did not show any

signs or symptoms of brain trauma or neurological problem, the staff proceeded with the discharge. While at home, the patient suffered bleeding in his brain.

Mr. Vasquez brought a lawsuit against the County of Los Angeles alleging that the Rancho staff failed to conduct a thorough examination of the patient prior to his discharge. The plaintiff further alleges that if a thorough neurological examination or an imaging study had been performed, the Rancho staff would have detected the early signs of the bleeding in the patient's brain.

PAID ATTORNEY FEES, TO DATE

\$78,572

PAID COSTS, TO DATE

\$36,969.29

Case Name: Vasquez, Robert



Summary Corrective Action Plan

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Date of incident/event;	November 27, 2009
Briefly provide a description of the incident/event:	<p>Robert Vasquez was admitted to Rancho Los Amigos National Rehabilitation Center ("Rancho") for rehabilitation. The patient was then allowed to leave the facility to spend the holidays with his family.</p> <p>Prior to the temporary discharge, Mr. Vasquez fell while at the bathroom. Rancho staff evaluated the patient, and since the patient did not show any signs or symptoms of brain trauma or neurological problem, the staff proceeded with the discharge. While at home, the patient suffered bleeding in his brain.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

Bleeding in the brain after a fall resulting in permanent impairment.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

- All appropriate personnel corrective actions have been taken
- A system wide and outside-DHS survey was conducted to determine the practices in place for assessing patients for risk of falls. All DHS acute care facilities have a process in place to assess patients for risk of falls. DHS is standardizing the tool used for this assessment.
- A system wide survey was conducted to determine the preventative measures in place to reduce the risk of falls. It was determined that each DHS acute care facility utilizes preventative measures to reduce the risk of falls. DHS is standardizing these measures.
- A survey of the DHS hospitals was conducted to determine if there are expected actions to be taken after a patient falls. Each of the DHS hospitals reported that they have a protocol in place after a patient falls. DHS is standardizing these protocols including the ordering of a CT scan or MRI in those patients who fall and are on anti-coagulants.
- A survey of the DHS hospitals was conducted to determine physician notification and evaluation expectations after a patient falls. It was determined that all of the DHS hospitals expect the physician to be notified when a patient falls, and for the physician to conduct an evaluation of the patient.

County of Los Angeles
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- X Does not appear to have County-wide or other department implications.

Name: (Risk Management Coordinator)	
Kim McKenzie	
Signature: Kim McKenzie <i>(cet)</i>	Date: 1/6/12

Name: (Department Head) <i>Greg Polk</i>	
Gregory Polk	
Signature: Gregory Polk	Date: 1/6/12

Chief Executive Office Risk Management

Name: LEO COSTANTINO	
Signature: <i>[Signature]</i>	Date: 1-4-2012

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

February 6, 2012

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:30 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, Laurie Milhiser, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Richard Mason, Lianne Edmonds, Jennifer Lehman, Julie Silva, Lauren Black Narbeh Bagdasarian and Jason Carnevale; Sheriff's Department: Patrick Hunter; Department of Public Health: John Viernes, Dorothy De Leon, and Leo Busa; District Attorney: Sharon J. Matsumoto; Department of Children and Family Services: Michelle R. Victor; Department of Health Services: Kim McKenzie, Charles A. Stewart, M.D., Priscila Matias, and Christina Martinez; Fire Department: Michael Kranther, Franklin Pratt, and John Tripp; Outside Counsel: Tom Guterres and Patricia Ellyatt.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

At 9:31 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(f) below.

4. Report of actions taken in Closed Session.

At 11:55 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Michael Leon Grubbs v. County of Los Angeles, et al. United States District Court Case No. CV 11-02396 PA

This lawsuit concerns allegations of the use of excessive force by Sheriff's Deputies.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$75,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

b. **Family Services of Long Beach and Aspiranet**

This potential breach of contract claim arises from a contract for alcohol and drug services.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$70,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

c. **Jane Doe, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. PC 046 747

This lawsuit concerns the alleged sexual assault of a female minor by a male foster child while he was under the supervision of the Department of Children and Family Services.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$500,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

d. **Ebony Green v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 445 163

This lawsuit concerns allegations of race discrimination, harassment and retaliation by an employee of the District Attorney's Office.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$60,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

e. **Robert Vasquez, et al. v. County of Los Angeles**
Los Angeles Superior Court Case No. VC 056 933

This medical negligence lawsuit arises from injuries sustained by a patient while hospitalized at Rancho Los Amigos National Rehabilitation Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$2,300,000, plus the assumption of a Medi-Cal lien in the amount of \$194,504.15 and waiver of the County hospital bill in the amount of \$634,026.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

f. **Andriy Sviridov, et al. v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 441 126

This lawsuit alleges negligence by Fire Department paramedics and Sheriff's Department deputies who attended to a minor's injuries after the minor's involvement in a gang related altercation

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$250,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

5. **Approval of the minutes of the January 9, 2012, special meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

6. **Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.**

No such matters were discussed.

7. Adjournment.

The meeting was adjourned at 12:03 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson